

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/1/10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER DISASTER SITE
LITIGATION

ELMER G. SANTIAGO,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.

ELMER G. SANTIAGO,

Plaintiff

-against-

THE CITY OF NEW YORK,

Defendant.
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ALVIN K. HELLERSTEIN, U.S.D.J.:

**ORDER REGULATING
PROCEEDINGS**

21 MC 100 (AKH)

10 Civ. 7927

10 Civ. 7975

Plaintiff Elmer Santiago, proceeding *pro se*, filed two actions against the City of New York. In 10 Civ. 7927, Plaintiff alleged injuries arising from his work at Ground Zero. I dismissed the complaint as insufficiently pleaded and gave Plaintiff leave to replead until December 22, 2010. Plaintiff's second complaint, 10 Civ. 7975, appears identical to the first complaint. It too is dismissed.

Plaintiff has repeatedly written to the Court seeking assistance opting into the Settlement Process Agreement, As Amended. Section VI.A of that agreement. states, "Only Plaintiffs with . . . claims filed against the Insureds or any of them, including in the Master Docket, on or before April 12, 2010 or who have instituted . . . Claims against the Insureds or

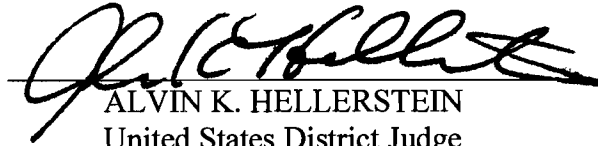
any of them through other legal process recognized by New York law (e.g., a notice of claim submitted to the City of New York) on or before April 12, 2010 shall be eligible for inclusion on the Eligible Plaintiff List.” Plaintiff filed both of his complaints in September 2010. He is not eligible to settle his claims.

Plaintiff’s second case, 10 Civ. 7975, is dismissed as insufficiently pleaded and duplicative of 10 Civ. 7927. Plaintiff has until December 22, 2010, to file a single complaint sufficient under Federal Rule of Civil Procedure 8. Plaintiff is obligated to set forth a basis of jurisdiction in this Court, a set of facts giving rise to a plausible claim, and a request for relief available in this forum. See Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009); Erickson v. Pardus, 551 U.S. 89 (2007). If Plaintiff repleads, the case shall continue together with those of Plaintiffs who chose not to settle and those who were not eligible to settle.

The case docketed 10 Civ. 7975 is dismissed. The Clerk is directed to mark the case closed. If Plaintiff repleads, the Clerk shall docket the amended complaint in 10 Civ. 7927.

SO ORDERED.

Dated: December 1, 2010
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge